

Exhibit 5

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

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4 **BLACK LOVE RESISTS IN THE RUST, et al.,**
5 **individually and on behalf of a class of**
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.
11 -----

12 **DEPOSITION OF DERRICK BANASZAK**

13 **Taken pursuant to Rule 30(b)(6)**

14 **of the Federal Rules of Civil Procedure**

15 APPEARING REMOTELY FROM

16 BUFFALO, NEW YORK

17 January 24th, 2024

18 At 9:30 a.m.

19 Pursuant to notice

20
21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23
DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
716-853-5544

—DERRICK BANASZAK—

1 might be relevant here?

2 MR. SAHASRABUDHE: Yes.

3 MR. JOACHIM: Okay.

4 Q. Let's move on to training then. Has BPD ever
5 conducted diversity and sensitivity training?

6 A. Yes.

7 Q. And during what time periods?

8 A. I can only speak to the time that I've been
9 here, so at least since 2001 I'm aware of.

10 Q. And how often was diversity and sensitivity
11 training offered since 2001?

12 A. I would have to say that as each individual
13 topic became another topic, that's when it was
14 refreshed and then given out again. Again, in
15 my career it was -- it started out as cultural
16 sensitivity. Then it became racial
17 sensitivity. It became some part of ABLE
18 training.

19 It also then became Procedural Justice 1
20 and 2 and now it's called implicit bias, so
21 it's existed in some shape or form as long as
22 I've been an officer.

23 Q. And is that training offered regularly or when

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—DERRICK BANASZAK—

1 is that offered?

2 A. Like I said, I can testify that since I have
3 taken command that is a mandatory training as
4 of now. As in the past I do remember -- like
5 I said, going back through my training record,
6 I got it in the academy. I got it initially
7 after 9/11 we had a section that had to do
8 with cultural sensitivity, again in 2012 and
9 then procedural justice and implicit bias
10 since about 2015, 2016.

11 Q. So is the training just offered at the
12 academy?

13 A. It's given at the law enforcement -- the Erie
14 County academy when you're a cadet, but we
15 also offer the inservice as they change the
16 recommendations from New York State.

17 Q. Okay. And I guess what I'm getting at is if
18 I'm an average Buffalo Police Department
19 officer when do I take the training?

20 A. You get it in the academy when you are
21 becoming a police officer and, like I said, as
22 of last year it is annual.

23 Q. So as of last year it's annual. Prior to that

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—DERRICK BANASZAK—

1 training on something I would like to see the
2 Department either do better or should be
3 refreshed in, so it all depends basically on
4 as I look at my training throughout the year
5 what I want to offer to the officers as
6 another tool in their toolbox going forward.

7 Q. So the BPD could offer additional procedural
8 justice or implicit bias training beyond that
9 required by the State if it wanted to,
10 correct?

11 A. If there was something that we saw beneficial
12 that isn't covered in implicit bias and we
13 wanted to we could.

14 Q. But it doesn't currently do that, correct?

15 A. Correct because implicit bias in its current
16 form, we are satisfied with the material as
17 it's covered the way it's covered and that's
18 what we teach to at the moment.

19 Q. Okay. How long is the current implicit bias
20 training?

21 A. For officers coming in and who have never had
22 the entire one it's a five-hour course which
23 is what every officer went through last year

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—DERRICK BANASZAK—

1 and this year since every officer has had it I
2 have mandated it down to two hours so we can
3 provide other trainings.

4 So it's more of a refresher now than it
5 is the old five-hour training, but all new
6 officers that graduated from the academy are
7 given the entire course which is five hours.

8 Q. Give me a couple moments.

9 Does BPD offer any training to
10 supervisors -- specifically to supervisors
11 relating to racial bias or discriminatory
12 policing?

13 A. They are given the implicit bias course the
14 same as the officers are. Nothing else in
15 addition on that topic.

16 Q. And does that training provide any information
17 about how to respond if a BPD employee --
18 another BPD employee is engaged in racially
19 discriminatory behavior?

20 A. The training itself, no, but our policy and
21 procedures address that.

22 Q. Do these policies and procedures address what
23 you should do if you observe another BPD

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—DERRICK BANASZAK—

1 in there so, yes, they are trained on it.

2 Q. Does BPD provide any training on how to
3 respond to civilian complaints about racially
4 discriminatory behavior?

5 A. Other than the complaint process, it doesn't
6 specifically say discriminatory or racial
7 complaint. It would be any complaint should
8 be handled in that certain fashion that's
9 outlined in the MOP.

10 Q. But there's no specific training as to
11 complaints alleging racially discriminatory
12 behavior; is that right?

13 A. Not in and of itself. A complaint is a
14 complaint and has a process setup through the
15 MOP.

16 Q. Okay. And is there any training specific to
17 complaints about rudeness?

18 MR. SAHASRABUDHE: Objection to form.
19 You can answer.

20 A. That would go to just the professionalism part
21 in there, like rudeness can be taken on any
22 number of -- it would be if someone wishes to
23 make a complaint that cannot be explained away

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

3
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary
5 Public, in and for the County of Erie, State of
6 New York, do hereby certify:

7 That the witness whose testimony appears
8 hereinbefore was, before the commencement of
9 their testimony, duly sworn to testify the
10 truth, the whole truth and nothing but the
11 truth; that said testimony was taken pursuant
12 to notice at the time and place as herein set
forth; that said testimony was taken down by me
and thereafter transcribed into typewriting,
and I hereby certify the foregoing testimony is
a full, true and correct transcription of my
shorthand notes so taken.

13 I further certify that I am neither counsel
14 for nor related to any party to said action,
15 nor in anyway interested in the outcome
thereof.

16 IN WITNESS WHEREOF, I have hereunto
17 subscribed my name and affixed my seal this
18 31st day of January, 2024.

19 

20 -----
21 Rebecca Lynne DiBello, CSR (NY)
22 Notary Public - State of New York
23 No. 01D14897420
Qualified in Erie County
My commission expires 5/11/2027

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